



04772 U.S. PTO  
112403

Attorney Docket No. EIS-5799 DIV1 (1417G P 977)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

James Martucci, Tuan Bui, James Hitchcock,  
Aleandro DiGianfilippo, Richard Pierce

Mailed: November 24, 2003

For: Medication Delivery System

) Prior Application:

)

) Application No. 10/043,891

) Filed: January 11, 2002

) Examiner: Roz Ghafoorian

) Art Unit: 3763

)

) Examiner: Not Assigned

) Art Unit: Not Assigned

22387 U.S. PTO  
10/720765  
112403

**DIVISIONAL PATENT APPLICATION**  
**TRANSMITTAL FILING UNDER 37 C.F.R. §1.53(b)**

Mail Stop - Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application of pending prior Application No. 10/043,891, under 37 C.F.R. § 1.53(b). The parent application was filed on January 11, 2002, by Applicant Baxter International Inc., and is similarly entitled "Medication Delivery System."

**Benefit of Prior U.S. Application**

The attached divisional application being transmitted claims the benefit of a prior U.S. application, as indicated below.

**Papers Enclosed**

In accordance with 37 C.F.R. § 1.63(d), the specification filed herewith contains no new matter. Accordingly, a copy of the executed Declaration and Power of Attorney from the parent application (U.S. Application No.10/043,891) is submitted herewith.

The papers attached are as follows:

17 pages of Specification.  
3 pages of Claims.  
1 page of Abstract.

32 sheets of Formal Drawings containing Figures 1-39.

### **Additional Papers Enclosed**

A copy of the original Assignment filed in the prior U.S. Application is also submitted herewith.

### **Incorporation by Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

### **Declaration or oath (including power of attorney)**

As previously stated, a copy of the executed Declaration and Power of Attorney filed in the prior U.S. application (Application No. 10/043,891) is submitted herewith, in accordance with 37 C.F.R. §1.63(d).

### **Inventorship Statement**

The inventorship for all the claims in this application is the same as that for the parent application.

### **Fee Calculation (37 C.F.R. § 1.16)**

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra	Small Entity		Other Than A Small Entity		
			Rate	Fee	or	Rate	Fee
Basic Fee				\$385	or		
Total Claims	6 - 20 =	0	x 9 =	\$	or		\$770
Indep. Claims	3 - 3 =	0	x43 =	\$	or	x 18 =	\$ 0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			x145 =	\$0	or	x 86 =	\$ 0
			Total	\$	or	x290=	\$0
					or	Total	\$770

X Check No. 19019 in the amount of \$770.00 is attached.

The Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 23-0280 for the following fees associated with this communication and during the entire pendency of the Application (a duplicate copy of this sheet is attached).

X Any additional filing fees under 37 C.F.R. § 1.16(a), (f) and (g).

- Any filing fees under 37 C.F.R. § 1.16(b), (c) and (d) for presentation of extra claims.
- Any patent application processing fees under 37 C.F.R. § 1.17.

## Relate Back--35 U.S.C. 120

As required under 35 U.S.C. 120, the Specification of the attached application includes the following specific reference to the earlier filed parent application:

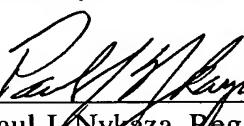
"This Application is a divisional of copending Application No. 10/043,891 filed January 11, 2002, which Application is incorporated herein by reference and made a part hereof, and upon which a claim of priority is based."

Please address all future communications to:

**Francis C.M. Kowalik, Esq.  
Corporate Counsel, Law Department  
BAXTER INTERNATIONAL INC.  
One Baxter Parkway  
DF3-2E  
Deerfield, IL 60015  
847.948.3041**

Respectfully submitted,

Date: November 24, 2003

By: 

Paul J. Nykaza, Reg. No. 38,984  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300  
Attorney for Applicants

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### CERTIFICATION UNDER 37 C.F.R. § 1.10

Express Mail Label No. EL 999600325 US

Date of Deposit: November 24, 2003

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450.

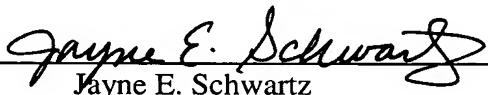
Jayne E. Schwartz  
Jayne E. Schwartz

**In re U. S. Divisional Patent Application**

Inventors: James Martucci, Tuan Bui, James Hitchcock, Aleandro DiGianfilippo, Richard Pierce  
Application No.: Unassigned  
Filing Date: November 24, 2003  
For: Medication Delivery System  
Attorney Docket No. EIS-5799 DIV1 (1417GP977)

Enclosures: 1. FILING FEE \$770 (Check No. 19019)  
2. DIVISIONAL PATENT APPLICATION TRANSMITTAL  
FILING UNDER 37 C.F.R. §1.53(b) (in duplicate)  
3. 21-PAGES OF APPLICATION (INCLUDING 17 PAGE  
SPECIFICATION, 6 TOTAL CLAIMS/3 INDEPENDENT (3  
PAGES) AND 1 PAGE ABSTRACT)  
4. 32 SHEETS OF FORMAL DRAWINGS (FIGS. 1-39)  
5. COPY OF DECLARATION AND POWER OF ATTORNEY  
FILED IN PARENT APPLICATION  
6. COPY OF ASSIGNMENT RECORDED IN PARENT  
APPLICATION  
7. RETURN POSTCARD

I HEREBY CERTIFY THAT THIS PAPER AND THE ABOVE DOCUMENTS ARE BEING DEPOSITED  
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1450, ALEXANDRIA, VA 22313-1450, ON NOVEMBER 24, 2003, UNDER EXPRESS MAIL NO. EL  
999600325 US.

  
\_\_\_\_\_  
Jayne E. Schwartz

**PLEASE ADDRESS ALL FUTURE COMMUNICATIONS TO:**

**Francis C.M. Kowalik, Esq.  
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